



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,515	05/29/2001	Atsushi Misawa	0905-0260P-SP	3154

2292 7590 04/08/2005

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,515

Applicant(s)

MISAWA, ATSUSHI

Examiner

Lin Ye

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-24 filed on 10/29/04 have been considered but are moot in view of the new ground(s) of rejection. Since a new ground of rejection is being applied against unamended claims, this action is not made final.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-9 and 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brais et al. U.S. Patent 5,995,936 in view of Anderson et al. U.S. Patent 5,790,878.

Referring to claim 1, the Brais reference discloses in Figures 1 and 9, a digital system having an image sensing device (104) for sensing an image of a subject and outputting image data representing the image of the subject (See Col. 5, lines 5-12), and an image recording controller (portable computer 102, see Col. 6, lines 15-17 and Col. 7, lines 61-65) for recording image data, which has been output from the image sensing device, on a recording medium (see Col. 8, lines 39-45 and Col. 12, lines 54-54-57), comprising: a voice input unit (transducer 106 in the form of a micro phone, see Col. 10, lines 40-41) for inputting voice

and outputting voice data representing voice; a voice recording controller (controller of computer 102) for recording voice data, which has been output from said voice input unit, on the recording medium (floppy disk, memory card or hard disk); a character data generating unit (inside of computer 102, see Col. 10, lines 40-46) for generating character (text) data representing the voice data output from said voice input unit; and a character recording controller for recording the character data, which has been generated by said character data generating unit on the recording medium (the data storage of computer 102, such memory cards, hard disk storage cards, see Col. 8, lines 29-32, Col. 10, lines 65-67 and Col. 11, lines 1-14). However, the Brais reference does not explicitly show the computer (102), the image sensing device (104) and other components can be integrated together as a single digital camera, and all digital processes are carried out in the digital camera.

The Anderson reference teaches in Figures 1-3, a single digital camera (110) includes an imaging device (114), a system bus (116) and a computer (118) (See Co. 3, lines 35-40). The digital camera has function to capture raw image data representing object and also performs various processing functions on the image data (See Col. 3, lines 44-50). The Anderson reference is evidence that one of ordinary skill in the art at the time to see more advantages for the system integrating the image sensing device and the computer together as a digital camera so that the system can be more compact, portable and flexible to performs various processing functions. For that reason, it would have been obvious to the ordinary skill in the art at the time to modify the digital system of Brais ('936) for integrating the computer (102), the image sensing device (104) and other devices together as a signal digital camera taught by Anderson ('878).

Referring to claim 2, the Brais and Anderson references disclose all subject matter as discussed in respected claim 1, and the Brais reference discloses wherein said voice input unit (106) inputs voice during the sensing of the image of a subject by the image sensing device (104), and said system (as the digital camera taught by Anderson reference) further comprising: a first control unit for controlling said image recording controller, the voice recording controller and said character recording controller in such a manner that at least two of the image data, voice data and character data will be recorded on the recording medium in a form linked (associated) to each other as shown in Figure 9 (e.g., the multimedia database or report integrated the image data, voice data and text data together, see Col. 11, lines 39-55).

Referring to claim 3, the Brais and Anderson references disclose all subject matter as discussed in respected claim 1, and the Brais reference shows the digital system can format the digital image and the text (converted from a character data generating unit inside of computer 102) to a multimedia report or database file (See Col. 11, lines 45-48); and a first display unit (110, see Col. 6, lines 30-34) for displaying a combined image corresponding to the combined image data (as the multimedia report) from said first combining unit (e.g., allowing the user to comfortably view information displayed on the display screen 110).

Referring to claim 4, the Brais and Anderson references disclose all subject matter as discussed in respected claims 1 and 3, and the Brais reference states the camera system can use commands to **select** either images with voice or text into a multimedia report (See Col. 11, lines 45-49); and the reference also states that it will be recognized by those of skill in the art that digital camera do not all provide audible feedback (see Col. 12, lines 50-54). For

those reason, when camera was determined no audible feedback, it will be able to select only images data with text data to display. When camera was determined with audible feedback, it will be able to select only images with voice data (e.g., video data) together to play inherently.

Referring to claim 5, the Brais and Anderson references disclose all subject matter as discussed in respected claims 1 and 3, and the Brais reference states an erasure control unit responsive to an erase command for erasing voice data, which corresponds to characters being displayed on the display unit (110), from the recording medium as shown in Figure 10 (see Col. 11, lines 63-67).

Referring to claim 6, the Brais and Anderson references disclose all subject matter as discussed in respected claim 1, and the Brais reference discloses wherein said image recording controller records the image data, which has been output by said image sensing device, in response to input of predetermined voice to said voice input unit (e.g., for allowing inspector generating a report associated with image and speech data together, see Col. 5, 22-30 and Col. 12, lines 45-50).

Referring to claim 7, the Brais and Anderson references disclose all subject matter as discussed in respected claim 1, and the Brais reference discloses a second combining unit for combining characters, which are represented by character data that has been generated by said character data generating unit, with an image output from said image sensing device; and a fourth control unit for controlling said image recording controller and said character recording controller in such a manner that image data representing an image with which characters have been combined by said second combining unit will be recorded on the

Art Unit: 2615

recording medium (e.g., a multimedia report or database file can combine image and text characters data together saved in the storage of computer 102, Col. 11, lines 45-48).

Referring to claim 8, the Brais and Anderson references disclose all subject matter as discussed in respected claim 1, and the Brais reference shows the digital system can format the digital image and the text (converted from a character data generating unit inside of computer 102) to a multimedia report or database file (See Col. 11, lines 45-48); a third reading unit for reading the combined image data from the recording medium (the data storage of computer 102, such memory cards, hard disk storage cards, see Col. 8, lines 29-32) and a second display unit (110, see Col. 6, lines 30-34) for displaying a combined image corresponding to the combined image data (as the multimedia report) from said first combining unit (e.g., allowing the user to comfortably view information displayed on the display screen 110).

Referring to claim 9, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 1.

Referring to claim 12, the Brais and Anderson references disclose all subject matter as discussed in respected to claim 1, and the Brais reference discloses a character recording mode setting device as shown in Figure 7 for setting character recording mode (e.g., Dictation mode); if the digital system from a command mode to acquire image mode, the system only records the voice data and image data one the recording medium in a form linked each other and the character (text) data will not be recorded on the recording medium (See Col. 7, lines 28-29 and Col. 10, lines 45-46); when the system in the character

recording mode (dictation mode), the character (text) data will be recorded on the recording medium as a new dictation file (See Col. 10, lines 64-67 and Col. 11, lines 1-14).

Referring to claim 13, the Brais and Anderson references disclose all subject matter as discussed in respect to claim 1, and the Brais reference discloses and the Brais reference states the camera system can use commands to **select** either images with voice or text into a multimedia report (See Col. 11, lines 45-49); and the reference also states that it will be recognized by those of skill in the art that digital camera do not all provide audible feedback (see Col. 12, lines 50-54). For those reason, the system inherently can choice either for outputting all data, such as voice data to speaker, image data and text data combined on the display device, or just voice data to speaker and image data on the display device.

Referring to claim 14, the Brais and Anderson references disclose all subject matter as discussed in respect to same comments with claim 1.

Referring to claim 15, the Brais and Anderson references disclose all subject matter as discussed in respect to same comments with claim 1, and wherein the image data, the voice data, and the character (text) data are recorded in a signal file (multimedia report file) on the recording medium (the storage of computer 102).

Referring to claim 16, the Brais and Anderson references disclose all subject matter as discussed in respect to same comments with claim 1, and wherein the voice data and a combined image data representing a combination of the image data and the character (text) data (overlay text onto images as the combined image data) are recorded in a single file on the recording medium (multimedia report file or database file, see Col. 11, lines 45-48).

Art Unit: 2615

Referring to claim 17, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 1-2.

Referring to claim 18, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 15.

Referring to claim 19, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 3.

Referring to claim 20, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 1-3, and the Brais reference discloses a voice output unit configured for outputting the voice corresponding to the related voice data read from the recording medium (it is well known in the art to see the computer includes a speaker device to output voice data such sound clips, video clips or music data read from the recording medium so that user can be easily review the multimedia report by visually and audibly same time, See Col. 5, lines 10-20).

Referring to claim 21, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 1-3.

Referring to claim 22, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 15.

Referring to claim 23, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 3 and 16.

Referring to claim 24, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claims 1, 3, 16 and 20.

Art Unit: 2615

4. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brais et al. U.S. Patent 5,995,936 in view of Anderson et al. U.S. Patent 5,790,878 and Hayashi U.S. Patent 6,469,738.

Referring to claims 10-11, the Brais and Anderson references disclose all subject matter as discussed in respected to same comments with claim 1, except the references does not explicitly show voice input unit inputs the voice in response to pressing of a shutter release button.

The Hayashi reference teaches in Figure 1A-B, a digital camera comprising shutter release button (12) and voice input unit (microphone 14). The voice input unit (14) inputs the voice in response to a shutter release button (12) (See Col. 16, lines 33-36). The Hayashi reference is evidence that one of ordinary skill in the art at the time to see more advantages for the system providing a voice input unit inputs the voice in response to pressing of the shutter release button so that the voice data corresponding to the image data can be simultaneously recorded in the memory. For that reason, it would have been obvious to the ordinary skill in the art at the time to modify the digital system of Brais ('936) for providing voice input unit inputs the voice in response to pressing of a shutter release button as taught by Hayashi ('738).

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2615

- a. Allen et al. U.S 5,737,491 discloses a digital camera including a voice recognition module.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James J. Groody
Supervisory Patent Examiner
Art Unit 262 2615

Lin Ye
April 5, 2005